IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 133 OF 2006

IN

WRIT PETITION NO. 1593 of 2006

Anantrai Shantilal Shah .. Petitioner

versus

The Executive Engineer & Anr. .. Respondents

And

Peace Constructions Pvt.Ltd.& Anr... Applicants.

...

Mr.B.B. Parekh a/w Baptist D'Souza for the petitioner.

Ms.Archana Joshi for the respondent.

Ms.Jacinta D'Silva for the applicant.

CORAM : D.G. KARNIK, J

DATED : 6th July 2006.

P.C.:

1. Heard counsel for the petitioner, respondents and applicant.

2. Counsel for the petitioner submits that the applicant who is a developer has violated the provisions of Maharashtra Regional Town Planning Act and in particular section 53 thereof. Petitioner has therefore filed the Writ Petition. In view of these allegations. the petitioner ought to have joined the applicant, who is the developer, as a party to the Writ Petition. Since he has not been joined, the applicant has taken the Chamber Summons for joining it as a party to the Writ Petition. In my view, developer is a necessary and in any event proper party in view of the allegations made against it. In this view, Chamber Summons is allowed in terms of prayer clause (a). Amendment shall be carried out within a period of two weeks.

(D.G. KARNIK, J)